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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,135	11/30/2001	Phillip M. Adams	2456.2.9	8062
7590	08/19/2004		EXAMINER	
A. John Pate PATE PIERCE & BAIRD 215 S. STATE ST. #550 Salt Lake City, UT 84111			CHEN, ALAN S	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/005,135	ADAMS, PHILLIP M.
	Examiner	Art Unit
	Alan S Chen	2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 June 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4,5 and 9-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1,2,4,5,9-12,15 and 22-28 is/are allowed.
 6) Claim(s) 13 and 14 is/are rejected.
 7) Claim(s) 16-21 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 November 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED FINAL ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by No. US005450546A to Krakirian.
3. As per claim 13, Krakirian computer system configured to communicate with devices of both synchronous and asynchronous types (Fig. 2, SCSI and Disk device attached to Fig. 2, element 235 and 275 can be synchronous or asynchronous), the method comprising: transferring bytes of data between a device and a buffer having a capacity (Fig. 2, element 230 and 270, buffer has some capacity set by a full count); providing a count of the bytes (Column 4, lines 20-25); comparing the count to the capacity (Column 3, lines 55-Column 4, lines 19 and Column 8, lines 13-39); and forcing an error condition corresponding to an unsuccessful transfer based on the count (Column 3, lines 62-Column 4, lines 2, buffer overrun and underrun condition is detected corresponding to an unsuccessful transfer will occur).
4. As per claim 14, Krakirian discloses claim 13, wherein the error condition is forced if the value of the count is at least as large as the capacity (for a buffer overrun, Krakirian signals a error if count is greater than amount of space, Column 3, lines 60-69).

Response to Arguments

5. Any rejection not addressed in this Office Action has been withdrawn.

6. Applicant's arguments filed 06/24/2004, with respect to the rejection(s) of claim(s) 13 and 14 under 35 U.S.C §102(b) have been fully considered but they are not persuasive. Examiners reasons are given below.

Rejections under 35 U.S.C. 102(b)

Claims 13 and 14

7. As per claim 13, Applicant argues on page 12 of amendment: "...Krakirian fails to disclose forcing an error condition corresponding to an unsuccessful transfer. The SREQSTOP signal of Krakirian signals to the CPU to stop transferring data, it does not in any way indicate to any other part of the apparatus that the transfer was unsuccessful".

Examiner wishes to point out that the claim language involving "unsuccessful transfer" does not dictate that the unsuccessful transfer had to have occurred or whether it will occur if another transfer is sent. Therefore, Krakirian clearly anticipates this claim since the buffer overrun error is triggered when the buffer is full, and hence if another piece of data is sent, an unsuccessful transfer literally would have occurred. The SREQSTOP signal directly associated with the OFFCNTZERO which indicates when no buffer space is available, both directly indicate the error condition of an impending unsuccessful transfer based on the count. As the applicant admitted in the specification, noted on page 14 of amendment, the applicant's invention, in some embodiments, forces an error condition corresponding to a buffer overrun *regardless* of whether an overrun occurred.

Allowable Subject Matter

8. Claim 1,2,4,5,9-12, 15, 22-28 are allowed.

9. Claim 16-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

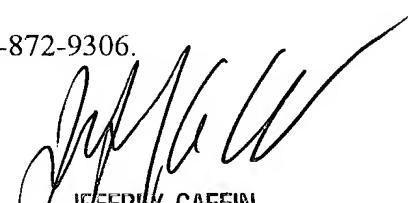
Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 703-605-0708. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC
08/16/2004